

# McDermott Will & Emery

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## FACSIMILE

Date: February 1, 2006

Time Sent:

To:	Facsimile No:	Telephone No:
Examiner Tuan C. TO U.S. Patent & Trademark Office	(571) 273-6985 and (571) 273-8300	(571) 272-6985
From:	Cathi Thoorse, Assistant to Wei-Chen Nicholas Chen	Direct Phone: 650.813.5026
E-Mail:	nchen@mwe.com	Direct Fax: 650.813.5100
Direct Phone:	650-813-5195	Number of Pages, Including Cover:

Re: **IMPORTANT COMMUNICATION FOR THE U.S. PATENT AND TRADEMARK OFFICE**

**PLEASE PROVIDE RETURN ACKNOWLEDGMENT OF RECEIPT VIA FACSIMILE**


Re: U.S. Patent Application No. 10/656,173  
For: DRIVING ASSIST SYSTEM FOR VEHICLE  
Inventor: Shunsuke HIJIKATA  
Our Docket Reference: 61355-046

Papers included in this filing:

1. Supplemental Amendment filed January 12, 2006, with the USPTO.
2. This filing is responsive to the Notice of Non-Compliant Amendment (37 CFR 1.121) from the USPTO dated January 4, 2006, also attached for your reference.

Per our telephone call of today, I enclose the Supplemental Amendment regarding claim 11. This filing should satisfy the Notice of Non-Compliant Amendment received by your office, dated January 4, 2006. Please let me know if there is anything further you would need, otherwise we will consider this Response timely filed in respect to the Notice Of Non-Compliance.

Thank you,

  
Cathi L.G. Thoorse, Assistant to W. Nicholas Chen  
Legal Secretary, Patent Department  
McDermott Will & Emery LLP  
3150 Porter Drive  
Palo Alto, California 94303-1212  
Direct Phone: 650-813-5195  
Phone: 650-813-5000  
Facsimile: 650-813-5100

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Main Facsimile: 650.813.5100 Facsimile Operator: 650.813.5000

U.S. practice conducted through McDermott Will & Emery LLP.  
3150 Porter Drive Palo Alto, California 94304-1212 Telephone: 650.813.5000

Applicant: <u>Shunsuke HUKATA</u>		Docket No. <u>061355-0046</u>	Serial No. <u>10/656,173</u>
Title: <u>DRIVING ASSIST SYSTEM FOR VEHICLE</u>		Patent No. _____	
Date Sent: <u>Jan. 12, 2006</u>	<input type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Express Mail No.		
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<input type="checkbox"/> Other: _____			
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pages of Claims		<input type="checkbox"/> Req. for Approval of Drawing Amendments	
pages of Abstract		<input type="checkbox"/> Req. for Oral Hearing	
pages of Formal/Informal Drawings		<input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief	
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity		<input type="checkbox"/> Rule 312 Amendment/Letter	
<input type="checkbox"/> Declaration/Power of Attorney		<input type="checkbox"/> Req. for Acknowledgement of Cited Art	
<input type="checkbox"/> Recordation of Assignment/Security Agreement		<input type="checkbox"/> Issue Fee	
<input type="checkbox"/> Information Disclosure Statement		<input type="checkbox"/> Publication Fee	
Form PTO 1449		<input type="checkbox"/> Req. for Certificate of Correction	
copies of cited references		<input type="checkbox"/> Maintenance Fee for _____ years after grant	
<input type="checkbox"/> Preliminary Amendment		<input type="checkbox"/> Fee Address Indication Form	
<input type="checkbox"/> Response to Missing Parts Notice		<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Resp. to Notice to Correct App. Papers		<input type="checkbox"/> Petition to Commissioner	
<input type="checkbox"/> Certified Copy of Priority Doc.		<input checked="" type="checkbox"/> Request for Refund	
<input type="checkbox"/> Claim for Convention Priority		<input checked="" type="checkbox"/> Other Return Postcard	
<input checked="" type="checkbox"/> SUPPLEMENTAL Amendment / Response to Office Action of <u>July 11, 2005</u>			
<input type="checkbox"/> Request for _____ month Extension of Time			
Check for \$	<input checked="" type="checkbox"/> Charge Deposit Accl. 500417	Atty Init. <u>WNC</u>	Tkpr. # <u>5805</u> Secy. or PL: <u>Cathi Thoorzell</u>
CMS Descrip.: _____			
THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.			

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Docket No.: 61355-046

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
 Shunsuke HUIKATA : Confirmation Number: 9940  
 Serial No.: 10/656,173 : Group Art Unit: 3663  
 Filed: September 08, 2003 : Examiner: T. C. To  
 For: DRIVING ASSIST SYSTEM FOR VEHICLE

**TRANSMITTAL**

Dear Sir:

Transmitted herewith is a Supplemental Amendment in the above-identified application.

- ☐ No additional fee is required.  
☐ Applicant is entitled to small entity status under 37 CFR 1.27  
☒ Also attached: Request for Refund; and  
 return postcard

The fee has been calculated as shown below:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	18	-20	0	\$18.00 =	\$0.00
Independent Claims	4	-3	1	\$84.00 =	\$84.00
Independent Claims after Amendment October 11, 200	Multiple claims newly presented				\$0.00
	Basic Fee				\$750.00
	Total of initial filing fee calculation				\$834.00
	4		1	\$200.00	\$200.00
	Total of Above Calculations				\$1,034.00
Request for Refund after Supplemental Amendment filed January 12, 2006	5		-1		\$-200.00
	Total of fees after refund requested:				\$834.00
	Total requested refund:				<\$200.00>

- ☒ Please refund my Deposit Account No. 500417 in the amount of \$200.00, per the Request for Refund. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this

Serial No.: 10/656,173

filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

*Wei-Chen Chen.*

Wei-Chen Nicholas Chen  
Registration No. 56,665

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 WC:ct  
Facsimile: (202) 756-8087  
Date: January 12, 2006

Please recognize our Customer No. 20277  
as our correspondence address.

Docket No.: 61355-046

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
Shunsuke HIJIKATA : Confirmation Number: 9940  
Serial No.: 10/656,173 : Group Art Unit: 3663  
Filed: September 08, 2003 : Examiner: T. C. To  
For: DRIVING ASSIST SYSTEM FOR VEHICLE

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 12, 2006.

*Cathi L.G. Thoorsell*  
Cathi L.G. Thoorsell

**SUPPLEMENTAL AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Supplemental Amendment is provided to correct an inadvertent deletion of text in Claim 11 from the amendment filed on October 11, 2005, in response to the Office Action dated July 11, 2005. The replacement of the erroneous deleted text into the Amendment does not change the scope of the claim, but reverts the claim back to the original claim language.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.